

### **IC 9-30-3**

#### **Chapter 3. Court Procedures**

### **IC 9-30-3-1**

#### **Purpose**

Sec. 1. This chapter governs the procedure in courts with original jurisdiction to hear and determine cases involving traffic offenses. This chapter is intended to provide for the just determination of these cases and to that effect shall be construed to secure simplicity and uniformity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.

*As added by P.L.2-1991, SEC.18.*

### **IC 9-30-3-2**

#### **Court**

Sec. 2. As used in this chapter, "court" means a tribunal with jurisdiction to hear and determine traffic violation cases and the judge or other presiding officer sitting as a court.

*As added by P.L.2-1991, SEC.18.*

### **IC 9-30-3-2.5**

#### **Electronic traffic ticket**

Sec. 2.5. (a) As used in this chapter, "electronic traffic ticket" means:

- (1) a traffic information and summons; or
- (2) a complaint and summons;

for traffic cases that is in an electronic format prescribed by the division of state court administration.

(b) An electronic traffic ticket may be referred to as an "e-citation".

*As added by P.L.184-2007, SEC.56; P.L.206-2007, SEC.4.*

### **IC 9-30-3-3**

#### **Judge**

Sec. 3. As used in this chapter, "judge" means an officer authorized by law to sit as a court.

*As added by P.L.2-1991, SEC.18.*

### **IC 9-30-3-4**

#### **Nonmoving traffic offense**

Sec. 4. As used in this chapter, "nonmoving traffic offense" means a violation of a statute, an ordinance, or a regulation concerning the following:

- (1) The parking or standing of motor vehicles.
- (2) Motor vehicles that are not in motion.

*As added by P.L.2-1991, SEC.18.*

### **IC 9-30-3-5**

#### **Traffic offense**

Sec. 5. As used in this chapter, "traffic offense" means a violation

of a statute, an ordinance, or a regulation relating to the operation or use of motor vehicles and any violation of a statute, an ordinance, or a regulation relating to the use of streets and highways by pedestrians or by the operation of any other vehicle.

*As added by P.L.2-1991, SEC.18.*

### **IC 9-30-3-5.3**

#### **Contents of electronic traffic ticket; modification**

Sec. 5.3. In prescribing the contents of an electronic traffic ticket, the division of state court administration shall require the inclusion in an electronic traffic ticket of the contents required in an information and summons under section 6 of this chapter. The division of state court administration may modify the prescribed contents of an electronic traffic ticket as necessary for the ticket to be in an electronic format.

*As added by P.L.184-2007, SEC.57; P.L.206-2007, SEC.5.*

### **IC 9-30-3-5.7**

#### **Electronic traffic ticket; issuance; signatures; electronic transmission**

Sec. 5.7. (a) When a law enforcement officer issues an electronic traffic ticket, the law enforcement officer:

- (1) may print the electronic traffic ticket at the site of the traffic violation; and
- (2) shall inform the individual to whom the electronic traffic ticket has been issued and note on the electronic traffic ticket whether the individual must appear in court on a specific date at a specific time.

(b) An electronic traffic ticket issued under this chapter that bears a printed or digital signature of:

- (1) the law enforcement officer who issued the electronic traffic ticket; and
- (2) the prosecuting attorney, or a representative of the office of the prosecuting attorney, of the county in which the electronic traffic ticket was issued;

is admissible in a court proceeding as if the signatures referred to in subdivisions (1) and (2) were original signatures.

(c) A law enforcement officer who issues an electronic traffic ticket may transmit the electronic traffic ticket to the court electronically if the court and the electronic traffic ticket are in compliance with the administrative rules adopted by the supreme court.

(d) A law enforcement officer who issues an electronic traffic ticket shall indicate on the electronic traffic ticket whether the law enforcement officer served the person receiving the electronic traffic ticket.

(e) The electronic transmission of an electronic traffic ticket shall be considered by the court as an original certified copy of the traffic information and summons or complaint and summons. An electronic traffic ticket may be used:

- (1) to notify the bureau of an Indiana resident who fails to:
  - (A) appear; or
  - (B) answer a traffic information and summons or complaint and summons;
- (2) to notify the bureau of a defendant who is not an Indiana resident and who fails to:
  - (A) appear; or
  - (B) answer a traffic information and summons;
- (3) to notify the bureau upon a final determination of a defendant's failure to appear; or
- (4) as a record of a traffic case that an individual has been charged with a traffic offense when:
  - (A) the individual has been convicted;
  - (B) a judgment has been entered; or
  - (C) a finding has been made by a court.

*As added by P.L.184-2007, SEC.58; P.L.206-2007, SEC.6.*

### **IC 9-30-3-6**

#### **Information and summons; form and content; inapplicability to electronic traffic ticket**

Sec. 6. (a) This section does not apply to electronic traffic tickets.

(b) In traffic cases, the information and summons shall be in substantially the following form:

In the \_\_\_\_\_ Court of \_\_\_\_\_ County  
 Cause No. \_\_\_\_\_ Docket No. \_\_\_\_\_  
 Page No. \_\_\_\_\_  
 State of Indiana

SS: \_\_\_\_\_ No. \_\_\_\_\_

County of \_\_\_\_\_

#### **INFORMATION AND SUMMONS**

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_ M  
 Name \_\_\_\_\_

Last First Middle

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Race \_\_\_\_ Sex \_\_\_\_ Age \_\_\_\_ D.O.B. \_\_\_\_\_ HT \_\_\_\_ WT \_\_\_\_

Oper. Lic. # \_\_\_\_\_ St. \_\_\_\_\_ Did Unlawfully

Operate Veh. Color \_\_\_\_\_ Veh. Yr. \_\_\_\_ Veh. Make \_\_\_\_\_

Veh. Lic. Yr. \_\_\_\_ Veh. Lic. St. \_\_\_\_ Veh. Lic. # \_\_\_\_\_

Upon, (Location) \_\_\_\_\_

A PUBLIC STREET OR HIGHWAY IN \_\_\_\_\_  
 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

\_\_\_\_\_  
 CONTRARY TO THE FORM OF THE ( ) STATE STATUTE  
 ( ) LOCAL ORDINANCE IN SUCH CASE MADE AND  
 PROVIDED.

OFFICER'S SIGNATURE \_\_\_\_\_

I.D. No. \_\_\_\_\_ Div. Dist. \_\_\_\_\_

POLICE AGENCY \_\_\_\_\_

Subscribed And Sworn to Before Me

(Deputy Clerk) \_\_\_\_\_

This \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_\_

COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM

ADDRESS: \_\_\_\_\_

ON \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

AT \_\_\_\_\_ M. OR BE SUBJECT TO ARREST.

SIGNATURE \_\_\_\_\_

"YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"

The information and summons shall consist of four (4) parts:

(1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;

(2) the court copy, printed on white paper;

(3) the police record, which shall be a copy of the information, printed on pink paper; and

(4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # \_\_\_\_\_

DATE \_\_\_\_\_

COURT ACTION AND OTHER ORDERS

BAIL \$ \_\_\_\_\_

REARREST BOND \$ \_\_\_\_\_ DATE \_\_\_\_\_

1. CONTINUANCE TO \_\_\_\_\_ 4. CONTINUANCE TO \_\_\_\_\_

2. CONTINUANCE TO \_\_\_\_\_ 5. CONTINUANCE TO \_\_\_\_\_

3. CONTINUANCE TO \_\_\_\_\_ 6. CONTINUANCE TO \_\_\_\_\_

	Motions	Date	Ruling	Date
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1.	_____	_____	_____	_____
----	-------	-------	-------	-------

2.	_____	_____	_____	_____
----	-------	-------	-------	-------

3.	_____	_____	_____	_____
----	-------	-------	-------	-------

4.	_____	_____	_____	_____
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PLEA ☐ GUILTY

☐ NOT GUILTY

FINDING ☐ GUILTY

☐ NOT GUILTY

THE COURT THEREFORE, ENTERS

THE FOLLOWING ORDER

FINE \$ \_\_\_\_\_ AMOUNT SUSP. \$ \_\_\_\_\_

(STATE) \$ \_\_\_\_\_

COSTS

(CITY) \$ \_\_\_\_\_

\_\_\_\_\_ DAYS IN \_\_\_\_\_ DAYS SUSP. \_\_\_\_\_

( ) RECOMMENDED LICENSE SUSPENDED FOR \_\_\_\_\_

( ) PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR  
PROBATION

JUDGE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTORNEY FOR DEFENDANT \_\_\_\_\_

ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

WITNESSES

\_\_\_\_\_  
\_\_\_\_\_  
The notice, the appearance, the plea of either guilty or not guilty, and the waiver shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

(c) In civil traffic cases, the complaint and summons shall be in substantially the following form:

In the \_\_\_\_\_ Court of \_\_\_\_\_ County

Cause No. \_\_\_\_\_ Docket No. \_\_\_\_\_

Page No. \_\_\_\_\_

State of Indiana

SS: No. \_\_\_\_\_

County of \_\_\_\_\_

COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_ M

Name \_\_\_\_\_

Last First Middle

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Race \_\_\_\_ Sex \_\_\_\_ Age \_\_\_\_ D.O.B. \_\_\_\_\_ HT \_\_\_\_ WT \_\_\_\_

Oper. Lic. # \_\_\_\_\_ St. \_\_\_\_\_ Did Unlawfully

Operate Veh. Color \_\_\_\_\_ Veh. Yr. \_\_\_\_ Veh. Make \_\_\_\_\_

Veh. Lic. Yr. \_\_\_\_ Veh. Lic. St. \_\_\_\_ Veh. Lic. # \_\_\_\_\_

Upon, (Location) \_\_\_\_\_

A PUBLIC STREET OR HIGHWAY IN \_\_\_\_\_  
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

\_\_\_\_\_  
\_\_\_\_\_  
CONTRARY TO THE FORM OF THE ( ) STATE STATUTE  
( ) LOCAL ORDINANCE IN SUCH CASE MADE AND  
PROVIDED.

OFFICER'S SIGNATURE \_\_\_\_\_

I.D. No. \_\_\_\_\_ Div. Dist. \_\_\_\_\_

( ) PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR

## PROBATION

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JUDGE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTORNEY FOR DEFENDANT \_\_\_\_\_

ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

WITNESSES

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The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

(d) The complaint form shall be used in traffic cases, whether the charge is made by a law enforcement officer or by any other person.

(e) Each judicial officer or police authority issuing traffic complaints and summons:

(1) is responsible for the disposition of all the traffic complaints and summons issued under the authority of the officer or authority; and

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

*As added by P.L.2-1991, SEC.18. Amended by P.L.93-1991, SEC.2; P.L.1-2001, SEC.8; P.L.184-2007, SEC.59; P.L.206-2007, SEC.7.*

### **IC 9-30-3-7**

#### **Soliciting or aiding in disposition of traffic information or summons; contempt**

Sec. 7. A person who solicits or aids in the disposition or attempted disposition of a traffic information or summons in any unauthorized manner is in criminal contempt of the court having original jurisdiction of the cause of action or of the court named on the particular information in question.

*As added by P.L.2-1991, SEC.18.*

### **IC 9-30-3-8**

#### **Failure to appear or answer; issuance of warrant; failure to execute; notification of bureau; suspension of driving privileges; nonresidents**

Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed

within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) The court may suspend the driving privileges of a defendant who fails to satisfy a judgment entered against the defendant for:

- (1) violation of a traffic ordinance; or
- (2) commission of a traffic infraction;

by a date set by the court under IC 34-28-5-6. The court shall forward notice to the bureau indicating that the defendant failed to pay as ordered.

(d) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court or a notice of failure to pay under subsection (c), either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of, or until the date payment is received by the court. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

(e) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer or the clerk of court by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

- (1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and
- (2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination either in an electronic format or upon forms prescribed by the bureau. The notification shall be made by the court within ten (10)



days after the final determination of the case, and information from the original copy of the traffic information and summons or complaint and summons must accompany the notification.

*As added by P.L.2-1991, SEC.18. Amended by P.L.184-2007, SEC.60; P.L.206-2007, SEC.8; P.L.125-2012, SEC.324.*

#### **IC 9-30-3-9**

##### **Traffic cases; court session; detainment of defendant; objections**

Sec. 9. (a) If possible, traffic cases shall be tried separate and apart from other cases and may be designated as the "traffic" session or division.

(b) When a hearing involving a misdemeanor is adjourned, the court may detain the defendant in safe custody until the defendant is admitted to bail.

(c) An objection to the validity or regularity of the information or process issued must be made by the defendant before trial.

*As added by P.L.2-1991, SEC.18.*

#### **IC 9-30-3-10**

##### **Sentencing; appearance required**

Sec. 10. The defendant shall be present at the imposition of sentence in all misdemeanor traffic cases.

*As added by P.L.2-1991, SEC.18.*

#### **IC 9-30-3-11**

##### **Plea of guilty; informing defendant of rights; record of proceedings; destruction of documents; liability of court officers**

Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment in an electronic format or an abstract as

prescribed by IC 9-30-13-0.5. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information in an electronic format or in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau.

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.

*As added by P.L.2-1991, SEC.18. Amended by P.L.184-2007, SEC.61; P.L.206-2007, SEC.9; P.L.125-2012, SEC.325.*

### **IC 9-30-3-12**

#### **Defensive driving school program; persons required to attend; fees; suspension of license; suspension of court costs**

Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

- (1) been convicted of at least two (2) traffic misdemeanors;
- (2) had at least two (2) traffic judgments entered against the person; or
- (3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete a defensive driving school program approved by the bureau. The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license under IC 9-24-11-3.3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program approved by the bureau if either of the following occurs at least twice or if both of the following have occurred when the individual was less than eighteen (18) years of age:

- (1) The individual has been convicted of a moving traffic offense (as defined in section 14(a) of this chapter), other than an offense that solely involves motor vehicle equipment.
- (2) The individual has been the operator of a motor vehicle

involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving privileges of any person who:

- (1) fails to attend a defensive driving school program; or
- (2) fails to satisfactorily complete a defensive driving school program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost (including fees) for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

*As added by P.L.2-1991, SEC.18. Amended by P.L.225-1999, SEC.4; P.L.98-2004, SEC.78; P.L.101-2009, SEC.13; P.L.106-2010, SEC.4; P.L.125-2012, SEC.326.*

### **IC 9-30-3-13**

#### **Rules for conduct of proceedings**

Sec. 13. A judge may make rules for the orderly conduct of the proceedings of the judge's court if the rules are consistent with this chapter and the rules of the supreme court.

*As added by P.L.2-1991, SEC.18.*

### **IC 9-30-3-14**

#### **Moving traffic offense committed by person other than the owner; notice to owner; contents**

Sec. 14. (a) As used in this section, "moving traffic offense" means a violation of a statute, an ordinance, or a rule relating to the operation or use of motor vehicles while the motor vehicle is in motion.

(b) If a court convicts a person for a moving traffic offense and the person is known or believed by the court not to be the owner of the motor vehicle, the court shall, within seven (7) days after entering the conviction, deposit with the United States Postal Service, first class postage prepaid, notice addressed to the owner of the motor vehicle giving the owner the following information:

- (1) The name and address of the person convicted.
- (2) The name and address of the owner of the motor vehicle.
- (3) The offense upon which the conviction was made.
- (4) The date of arrest of the person convicted and the location of the place of the offense.
- (5) The license plate number of the motor vehicle.
- (6) The operator's or chauffeur's license number of the person convicted.
- (7) The date of the conviction and the name of the court making the conviction.

*As added by P.L.2-1991, SEC.18.*

**IC 9-30-3-15****Proof of prior conviction; evidence**

Sec. 15. In a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for an offense under this title, the relevant portions of a certified computer printout or electronic copy as set forth in IC 9-14-3-4 made from the records of the bureau are admissible as prima facie evidence of the prior conviction. However, the prosecuting attorney must establish that the document identifies the defendant by the defendant's driver's license number or by any other identification method utilized by the bureau.

*As added by P.L.2-1991, SEC.18. Amended by P.L.112-2001, SEC.7; P.L.1-2002, SEC.49; P.L.125-2012, SEC.327.*

**IC 9-30-3-16****Driver improvement course; probation; suspension of driving privileges; reasonable charge**

Sec. 16. (a) If a person has been found to have committed a traffic offense, the court may do the following:

- (1) Require the person to attend and satisfactorily complete a driver improvement course that has been approved by the court and the bureau or by the bureau.
- (2) Place the person on probation for up to one (1) year.
- (3) Suspend the person's driving privileges for up to thirty (30) days.

(b) A driver improvement course required under subsection (a) may be financed by assessing a reasonable charge as determined by the course provider and approved by the bureau.

*As added by P.L.2-1991, SEC.18. Amended by P.L.118-2001, SEC.8; P.L.146-2003, SEC.1; P.L.125-2012, SEC.328.*